

**THE CITY OF NEWBURGH**  
**ZONING BOARD OF APPEALS**

123 Grand St, Newburgh, New York 12550  
**Phone:** (845) 569-7400                      **Fax:** 569-0096

Joanne Lugo, Chairperson  
Nancy Evans, Secretary

**ZONING BOARD OF APPEALS** meeting of **January 22, 2008.**

The regular meeting of the **ZONING BOARD OF APPEALS** was held on Tuesday, January 22, 2008 at 7:30 p.m. in the Activity Center, Washington Street, Newburgh, New York.

**Members Present:**     **Joanne Lugo – Chair**  
                                  **Mary Ann Prokosch**  
                                  **Victor Mirabelli**  
                                  **Joshua Smith**

**Members Absent:**     **Mirta Rivas**  
                                  **David Schwartz**  
                                  **Barbara Smith**

**Also Present:**           **Michelle Kelson, Assistant Corporation Counsel**

The meeting was called at 7:30 p.m. after a quorum was confirmed.

The minutes from the November meeting was voted on:  
Motion to approve – Victor Mirabelli  
2<sup>nd</sup> – Joanne Lugo  
Approved 3-0, with one abstain from Mary Ann Prokosch

The Chairperson opened the public hearing by reading the text of the notice.

**New Business**

**Appeal No. 2008-01**    Requesting a **Use Variance** to allow the operation of a commercial building and an **Area Variance** for sixteen (16) off-street parking spaces, which does not meet the requirements of the Schedule of Use and Bulk Regulations in an **R1 Zone**.  
**Location: 125 Washington Street**  
**Applicant: Habitat for Humanity of Greater Newburgh**

Deirdre Glenn, David Hinsvark and Darren Stridiron appeared before the board.

Ms. Glenn explained the project to the board. Requesting a use variance for the operation of a commercial enterprise in an R1 Zone, a parking variance. Corrected

parking – Habitat can provide 7 spaces – cannot provide 30 additional spaces. Purchased with intention to continue using it as commercial. Has been in continuous use as offices, sales, and warehouse. No addition involved. C/o as warehouse. Went to ARC in 2006. Did not realize they needed Zoning and Planning. Want to move their offices to this building. Want to open a recycling store with 5 employees. They have access to the back on Federal Street. Have ARC approval for dumpster.

Mr. Mirabelli – Hopefully the recycling will generate a lot of income. Where would those people pick up and enter?

Ms. Glenn – They could use these extra bays. No loading dock. Just big doors. The ReStore would be in the downstairs area. Windows are installed already. Parking and some minor storage will go in the new part.

There were no people present to speak for or against this application.

The public hearing was duly convened and completed on January 22, 2008.

**THE ROLL CALL VOTE:**

Motion to Close the Public Hearing:

Motion made by: Joshua Smith  
Motion second by: Victor Mirabelli

Joanne Lugo, Chairperson	Voting	<b>Yes</b>
Mirta Rivas, Member	<b>Absent</b>	
Mary Ann Prokosch, Member	Voting	<b>Yes</b>
David Schwartz, Member	<b>Absent</b>	
Barbara Smith, Member	<b>Absent</b>	
Victor Mirabelli, Member	Voting	<b>Yes</b>
Joshua Smith, Member	Voting	<b>Yes</b>

Zoning Board of Appeals to assume Lead Agency status for SEQRA:

Motion made by: Victor Mirabelli  
Motion second by: Joshua Smith

Joanne Lugo, Chairperson	Voting	<b>Yes</b>
Mirta Rivas, Member	<b>Absent</b>	
Mary Ann Prokosch, Member	Voting	<b>Yes</b>
David Schwartz, Member	<b>Absent</b>	
Barbara Smith, Member	<b>Absent</b>	
Victor Mirabelli, Member	Voting	<b>Yes</b>
Joshua Smith, Member	Voting	<b>Yes</b>

Zoning Board of Appeals declares a Negative Declaration for SEQRA:

Motion made by: Mary Ann Prokosch  
Motion second by: Victor Mirabelli

Joanne Lugo, Chairperson	Voting	<b>Yes</b>
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Mirta Rivas, Member	<b>Absent</b>	
Mary Ann Prokosch, Member	Voting	<b>Yes</b>
David Schwartz, Member	<b>Absent</b>	
Barbara Smith, Member	<b>Absent</b>	
Victor Mirabelli, Member	Voting	<b>Yes</b>
Joshua Smith, Member	Voting	<b>Yes</b>

A motion made for the granting of the requested **Use Variance** was put to a vote on roll call on January 22, 2008, the results were as follows:

Motion made by: Joshua Smith  
 Motion second by: Victor Mirabelli

Joanne Lugo, Chairperson	Voting	<b>for</b>	granting the variance
Mirta Rivas, Member		<b>Absent</b>	
Mary Ann Prokosch, Member	Voting	<b>for</b>	granting the variance
David Schwartz, Member		<b>Absent</b>	
Barbara Smith, Member		<b>Absent</b>	
Victor Mirabelli, Member	Voting	<b>for</b>	granting the variance
Joshua Smith, Member	Voting	<b>for</b>	granting the variance

A motion made for the granting of the requested **Area Variance** was put to a vote on roll call on January 22, 2008, the results were as follows:

Motion made by: Joshua Smith  
 Motion second by: Victor Mirabelli

Joanne Lugo, Chairperson	Voting	<b>for</b>	granting the variance
Mirta Rivas, Member		<b>Absent</b>	
Mary Ann Prokosch, Member	Voting	<b>for</b>	granting the variance
David Schwartz, Member		<b>Absent</b>	
Barbara Smith, Member		<b>Absent</b>	
Victor Mirabelli, Member	Voting	<b>for</b>	granting the variance
Joshua Smith, Member	Voting	<b>for</b>	granting the variance

**Appeal No. 2008-02** Requesting an **Area Variance** to allow a second building to be constructed on an existing lot, which does not meet the requirements of the supplementary Bulk Regulations set forth in 300-11C of the Zoning Code. The second building would be a two car garage with an apartment above. Property located in a **C1 Zone**.  
**Location: 718 Broadway**  
**Applicant: John and Eileen Chick**

Joseph Sandridge and John Chick appeared before the board.

Mr. Sandridge explained the project to the board. Requesting an area variance. There is an existing building – two story – two apartments and one office. Proposing to build a single family residence in rear. Locating the building within all the setbacks and we meet all the Zoning requirements. New building will be used as a private residence for son. Living quarters will be on the 2<sup>nd</sup> floor – garages will be on the 1<sup>st</sup> floor. Has 7 parking

spots already and parking in the garage. They will expand the parking area in front. Building is setback with parking in the front. Lot size ¾ of an acre – 150x233.

Mr. Mirabelli – There is a two-family there. How many people are living there?

Mr. Chick – A commercial rental on bottom.

There were no people present to speak for or against this application.

The public hearing was duly convened and completed on January 22, 2008.

**THE ROLL CALL VOTE:**

Motion to Close the Public Hearing:

Motion made by: Joshua Smith  
Motion second by: Victor Mirabelli

Joanne Lugo, Chairperson	Voting	<b>Yes</b>
Mirta Rivas, Member	<b>Absent</b>	
Mary Ann Prokosch, Member	Voting	<b>Yes</b>
David Schwartz, Member	<b>Absent</b>	
Barbara Smith, Member	<b>Absent</b>	
Victor Mirabelli, Member	Voting	<b>Yes</b>
Joshua Smith, Member	Voting	<b>Yes</b>

Zoning Board of Appeals to assume Lead Agency status for SEQRA:

Motion made by: Mary Ann Prokosch  
Motion second by: Victor Mirabelli

Joanne Lugo, Chairperson	Voting	<b>Yes</b>
Mirta Rivas, Member	<b>Absent</b>	
Mary Ann Prokosch, Member	Voting	<b>Yes</b>
David Schwartz, Member	<b>Absent</b>	
Barbara Smith, Member	<b>Absent</b>	
Victor Mirabelli, Member	Voting	<b>Yes</b>
Joshua Smith, Member	Voting	<b>Yes</b>

Zoning Board of Appeals declares a Negative Declaration for SEQRA:

Motion made by: Joshua Smith  
Motion second by: Victor Mirabelli

Joanne Lugo, Chairperson	Voting	<b>Yes</b>
Mirta Rivas, Member	<b>Absent</b>	
Mary Ann Prokosch, Member	Voting	<b>Yes</b>
David Schwartz, Member	<b>Absent</b>	
Barbara Smith, Member	<b>Absent</b>	
Victor Mirabelli, Member	Voting	<b>Yes</b>
Joshua Smith, Member	Voting	<b>Yes</b>

A motion made for the granting of the requested **Area Variance** was put to a vote on roll call on January 22, 2008, the results were as follows:

Motion made by: Mary Ann Prokosch  
Motion second by: Victor Mirabelli

Joanne Lugo, Chairperson	Voting	<b>for</b>	granting the variance
Mirta Rivas, Member		<b>Absent</b>	
Mary Ann Prokosch, Member	Voting	<b>for</b>	granting the variance
David Schwartz, Member		<b>Absent</b>	
Barbara Smith, Member		<b>Absent</b>	
Victor Mirabelli, Member	Voting	<b>for</b>	granting the variance
Joshua Smith, Member	Voting	<b>for</b>	granting the variance

**Appeal No. 2008-03** Requesting an **Area Variance** for 2,500 square feet on the lot area and 25 feet on the lot width, which does not meet the requirements of the Schedule of Use and Bulk Regulations for the construction of a single family dwelling in an **R1 Zone**.  
**Location: 298 South Street**  
**Applicant: Mark Cassas**  
**Owner: Ken Jones**

Charles Brown and Mark Cassas appeared before the board.

Mr. Brown explained the project to the board. It is a pre-existing lot. Build a single family house. Build to accommodate off street parking. Buying property contingent on receiving this variance. It will be 25 feet from sidewalk.

There were no people present to speak for or against this application.

The public hearing was duly convened and completed on January 22, 2008.

Ms. Prokosch – Build something that looks appropriate in the neighborhood.

**THE ROLL CALL VOTE:**

Motion to Close the Public Hearing:

Motion made by: Joshua Smith  
Motion second by: Victor Mirabelli

Joanne Lugo, Chairperson	Voting	<b>Yes</b>
Mirta Rivas, Member	<b>Absent</b>	
Mary Ann Prokosch, Member	Voting	<b>Yes</b>
David Schwartz, Member	<b>Absent</b>	
Barbara Smith, Member	<b>Absent</b>	
Victor Mirabelli, Member	Voting	<b>Yes</b>
Joshua Smith, Member	Voting	<b>Yes</b>

Zoning Board of Appeals to assume Lead Agency status for SEQRA:

Motion made by: Mary Ann Prokosch

Motion second by: Victor Mirabelli

Joanne Lugo, Chairperson	Voting	Yes
Mirta Rivas, Member	<b>Absent</b>	
Mary Ann Prokosch, Member	Voting	Yes
David Schwartz, Member	<b>Absent</b>	
Barbara Smith, Member	<b>Absent</b>	
Victor Mirabelli, Member	Voting	Yes
Joshua Smith, Member	Voting	Yes

Zoning Board of Appeals declares a Negative Declaration for SEQRA:

Motion made by: Joshua Smith  
Motion second by: Victor Mirabelli

Joanne Lugo, Chairperson	Voting	Yes
Mirta Rivas, Member	<b>Absent</b>	
Mary Ann Prokosch, Member	Voting	Yes
David Schwartz, Member	<b>Absent</b>	
Barbara Smith, Member	<b>Absent</b>	
Victor Mirabelli, Member	Voting	Yes
Joshua Smith, Member	Voting	Yes

A motion made for the granting of the requested **Area Variance** was put to a vote on roll call on January 22, 2008, the results were as follows:

Motion made by: Victor Mirabelli  
Motion second by: Joanne Lugo

Joanne Lugo, Chairperson	Voting	<b>for</b>	granting the variance
Mirta Rivas, Member		<b>Absent</b>	
Mary Ann Prokosch, Member	Voting	<b>for</b>	granting the variance
David Schwartz, Member		<b>Absent</b>	
Barbara Smith, Member		<b>Absent</b>	
Victor Mirabelli, Member	Voting	<b>for</b>	granting the variance
Joshua Smith, Member	Voting	<b>for</b>	granting the variance

**Appeal No. 2008-04** Requesting an **Area Variance** for 11 feet on the front yard setback in order to build a canopy over proposed gas pumps, which does not meet the requirements of the Schedule of Use and Bulk Regulations in a **C2 Zone**.  
**Location: 510 Broadway**  
**Applicant: Moussa Enterprises Inc.**

Charles Brown appeared before the board.

Mr. Brown explained the project to the board. On the corner of Broadway and West Street. Will demolish existing building – leaving the tanks – and build a bigger building with more amenities. Increase gas pumps from four to six and install new canopies. Have been to two workshops so far. Will be going to the Planning Board. Will close one of the entrances on West Street – the one closest to Broadway. Footprint will change completely.

Mr. Prokosch – Can you angle the canopy so not next to sidewalk – might cut parking?

Mr. Brown – Fire suppression system dictates canopy placement.

There were no people present to speak for or against this application.

The public hearing was duly convened and completed on January 22, 2008.

**THE ROLL CALL VOTE:**

Motion to Close the Public Hearing:

Motion made by: Joshua Smith  
Motion second by: Victor Mirabelli

Joanne Lugo, Chairperson	Voting	Yes
Mirta Rivas, Member	<b>Absent</b>	
Mary Ann Prokosch, Member	Voting	Yes
David Schwartz, Member	<b>Absent</b>	
Barbara Smith, Member	<b>Absent</b>	
Victor Mirabelli, Member	Voting	Yes
Joshua Smith, Member	Voting	Yes

Zoning Board of Appeals to assume Lead Agency status for SEQRA:

Motion made by: Mary Ann Prokosch  
Motion second by: Victor Mirabelli

Joanne Lugo, Chairperson	Voting	Yes
Mirta Rivas, Member	<b>Absent</b>	
Mary Ann Prokosch, Member	Voting	Yes
David Schwartz, Member	<b>Absent</b>	
Barbara Smith, Member	<b>Absent</b>	
Victor Mirabelli, Member	Voting	Yes
Joshua Smith, Member	Voting	Yes

Zoning Board of Appeals declares a Negative Declaration for SEQRA:

Motion made by: Joshua Smith  
Motion second by: Mary Ann Prokosch

Joanne Lugo, Chairperson	Voting	Yes
Mirta Rivas, Member	<b>Absent</b>	
Mary Ann Prokosch, Member	Voting	Yes
David Schwartz, Member	<b>Absent</b>	
Barbara Smith, Member	<b>Absent</b>	
Victor Mirabelli, Member	Voting	Yes
Joshua Smith, Member	Voting	Yes

A motion made for the granting of the requested **Area Variance** was put to a vote on roll call on January 22, 2008, the results were as follows:

Motion made by: Victor Mirabelli  
Motion second by: Joshua Smith

Joanne Lugo, Chairperson	Voting	<b>for</b>	granting the variance
Mirta Rivas, Member		<b>Absent</b>	
Mary Ann Prokosch, Member	Voting	<b>for</b>	granting the variance
David Schwartz, Member		<b>Absent</b>	
Barbara Smith, Member		<b>Absent</b>	
Victor Mirabelli, Member	Voting	<b>for</b>	granting the variance
Joshua Smith, Member	Voting	<b>for</b>	granting the variance

Meeting adjourned at 8:20 P.M

Respectfully Submitted,

Nancy Evans  
Secretary